



January 11, 2024

Corey Michael Switzer
264 Kernodal Rd
Gibsonville, North Carolina 27249

VIA E-MAIL: coreyswitzer@gmail.com

Original to follow

Re: Duplicative Public Records Requests

Dear Mr. Switzer:

Over the past few months, you have repeatedly submitted public records requests for the same records to the City of Lewiston Police Department (LPD). Since September 25, 2023, the City of Lewiston has responded to 2,466 public records requests you have submitted. Specifically, 858 requests related to LPD case number 21-L4897, 790 requests related to LPD case number 22-L5337, 806 requests related to LPD case number 23-L17433, and 12 requests for other miscellaneous records. You have requested the exact same information for the three (3) above case numbers in a majority of your requests.

Requests related to LPD case number 21-L4897

On September 25, 2023, September 28, 2023, and October 24, 2023, you requested e-mails related to LPD case number 21-L4897. These were request numbers 23-1336, 23-1354, and 23-1513, respectively. In the e-mails provided to you, April Smith at the Nez Perce County Prosecutor's Office directed LPD Officer Joseph Lines on June 2, 2021, to close LPD case number 21-L4897 because no charges were going to be filed by their office.

You have continuously requested the CAP sheet related to LPD case number 21-L4897. You began requesting the CAP sheet on October 27, 2023, and since then, you have requested it 851 times. In

every request for the CAP sheet, you have been informed that this record does not exist. Despite this, you have repeatedly sent the same request over and over again. As indicated in the e-mail sent by April Smith to Officer Lines on June 2, 2021, the Nez Perce County Prosecutor's Office declined to prosecute the alleged incident you reported in LPD case number 21-L4897. Further, that e-mail instructed Officer Lines to close LPD case number 21-L4897. The CAP sheet you are requesting will not be created since this case has been closed. No charges will be pursued in LPD case number 21-L4897. **To reiterate, the CAP sheet for LPD case number 21-L4897 does not exist.** The City is not obligated to create new records, nor is it obligated to create a CAP sheet under these circumstances. Therefore, the City will not process any duplicative requests from you requesting the CAP sheet for case number 21-L4897.

Requests related to LPD case numbers 22-L5337 & 23-L17433

Beginning on September 25, 2023, you began requesting e-mails between the Nez Perce County Prosecutor's Office and LPD in addition to a CAP sheet related to LPD incident number 22-L5337. Similarly, beginning on October 6, 2023, you began requesting e-mails between the Nez Perce County Prosecutor's Office and LPD in addition to a CAP sheet related to LPD incident number 23-L17433. The City has conducted numerous searches for the e-mails you have requested.

In request number 23-1364, City staff informed you of what search terms and date ranges they used in conducting an e-mail search. It is noteworthy that City staff conducted two separate e-mail searches in an attempt to locate the requested records related to LPD case number 22-L5337. You were informed that no e-mails were found that were responsive to your request. City staff then asked you to provide search terms and date ranges to search for the requested e-mails, but you failed to do so. Pursuant to Idaho Code § 74-102(4), the City may require that a request describe the subject matter and records sought, including a specific date range for when the records were created. The requester must be as specific as possible when requesting records. Idaho Code § 74-102(4). Despite your failure to provide a specific date range and search terms, City staff continued to conduct e-mail searches in an attempt to locate the records in every public records request you submitted requesting e-mails related to LPD incident numbers 22-L5337 and 23-L17433, specifically, correspondence between the Nez Perce County Prosecutor's Office and LPD. Two (2) hours of staff time have been exhausted in searching for records related to requests for records related to LPD case number 22-L5337. An additional two (2) hours of staff time have been exhausted in searching for records related to requests for records related to LPD case number 23-L17433.

The City may aggregate requests when they are on related subjects. Idaho Code § 74-102(11). The City may also require an advance payment of fees before responding to a request. Idaho Code § 74-

102(12). Thus, a fee estimate was provided to you on November 15, 2023, for case number 22-L5337, and on November 22, 2023, for case number 23-L17433. You were given fifteen (15) calendar days to pay the above fees for the City to process your requests in running e-mail searches for case numbers 22-L5337 and 23-L17433. In the meantime, you continued to send the same requests over and over again. For these duplicative requests, you were informed to pay the fee estimates in the corresponding request numbers that the fee estimates were sent in. It was your position that the fees should be waived in accordance with Idaho Code § 74-102(10)(f). The requester must demonstrate that all three elements are fulfilled, as stated in this statute, for the City to waive the fee. The City determined you did not adequately demonstrate the required elements for a fee waiver under this statute. To date, the City has sent you four (4) fee estimates related to LPD incident number 22-L5337 and three (3) fee estimates related to LPD incident number 23-L17433, none of which have been paid.

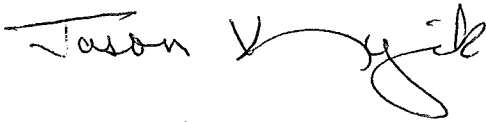
You have also continuously requested a CAP sheet concerning LPD case numbers 22-L5337 and 23-L17433. Again, you have been told numerous times that there are no CAP sheets that exist for either of these LPD case numbers. You began requesting the CAP sheet for LPD case number 22-L5337 on October 27, 2023, and since then, you have sent the same request 784 times. You began requesting the CAP sheet for LPD case number 23-L17433 on October 30, 2023, and since then, you have sent the same request 799 times. In every request, you have been informed that this record does not exist. The CAP sheets you are requesting will not be created since these cases have been closed. No charges will be pursued in LPD case numbers 22-L5337 and 23-L17433. **Thus, the CAP sheets you are requesting for LPD case numbers 22-L5337 and 23-L17433 do not exist.** The City is not obligated to create new records, nor is it obligated to create CAP sheets under these circumstances. Therefore, the City will not process any duplicative requests from you requesting the CAP sheet for case numbers 22-L5337 and 23-L17433.

The Idaho Public Records Act's purpose is for all records maintained by state and local government entities to be available for public access and copying. *Idaho Public Records Law Manual* (January 2023). The Idaho Public Records Act is not intended to be used as a means to intimidate public employees into complying with specific demands or requests for police action. Bombarding the City's public records request system for documents the City has explicitly stated do not exist will no longer be tolerated. **The City will not process duplicative requests from you requesting CAP sheets and e-mails in LPD case numbers 21-L4897, 22-L5337, and 23-L17433, unless the fee is paid for City staff to search for e-mails.** Attached are two final fee estimates for case numbers 22-L5337 and 23-L17433. These fees must be paid before your requests will be processed. You have fifteen (15) calendar days to pay the fees from the date of this letter for the City to process your

requests in running e-mail searches for case numbers 22-L5337 and 23-L17433. If you elect to pay these fee estimates, then you must provide search terms, date ranges, and the name of the City employee(s) you would like the e-mails from, if applicable, in order for an email search to be conducted. If advance payment is not received, your request will be deemed withdrawn.

To the extent that you consider this a denial or partial denial of your requests, you have the right to appeal by filing a petition with the district court in Nez Perce County within 180 calendar days from the date of mailing of the notice of denial or partial denial. Idaho Code § 74-115.

Sincerely,

A handwritten signature in black ink that reads "Jason Kuzik". The signature is fluid and cursive, with the first name "Jason" written in a larger, more prominent script than the last name "Kuzik".

Jason Kuzik,
Police Chief

Encs.

cc: Daniel Johnson, Mayor
Kayla Hermann, City Attorney

Name of Requester: Corey Michael Switzer

Date: 01/11/2024

Request Number: Final Fee Est. - 22-L5337

**PUBLIC RECORDS REQUEST
ESTIMATED FEES**

Pursuant to the Idaho Public Records Act, the City of Lewiston may charge fees to recover the actual labor and copying costs associated with locating and copying records if: (a) the request is for more than 100 pages of paper records, (b) the request includes records from which nonpublic information must be deleted, or (c) the actual labor associated with responding to the request exceeds 2 person hours. See I.C. § 74-102(10)(b).

The City of Lewiston may require **advance payment** of the **estimated fees** associated with responding to your request. If your advance payment exceeds the actual cost of responding to the request, then the remainder of your advance payment will be refunded to you. If the actual cost of responding to your request exceeds your advance payment, then the City of Lewiston will provide you with the records already paid for and request additional payment from you to cover the cost of completing your request. If advance payment is not received within fifteen (15) calendar days from the date of this estimate, your request will be deemed withdrawn.

Estimated Fees for Materials:

Type _____ pages @ _____ cents per page with _____ pages free = _____ pages
(e.g., size, black and white, color)

Subtotal: _____

Type _____ pages @ _____ cents per page with _____ pages free = _____ pages
(e.g., size, black and white, color)

Subtotal: _____

CD/DVD: _____

Total Materials: _____

Estimated Fees for Labor*:

IT \$42.46 per hour for 0.03 hrs. with 0 hours free = 0.03 hours Subtotal: \$1.27

City Attorney \$50.44 per hour for 0.03 hrs. with 0 hours free = 0.03 hours Subtotal: \$1.51

*The City of Lewiston charges the loaded hourly rate (hourly wage plus benefits) of the lowest paid department employee who is necessary and qualified to process the request.

Total Labor: \$2.78

TOTAL ESTIMATED FEES DUE: \$2.78

Methods of Payment

<i>In Person</i>	<i>By Phone</i>	<i>By Mail</i>
Visit Lewiston City Hall during normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.): 1134 F Street Lewiston, Idaho 83501 - Please bring this sheet with you. - Payments may be made with cash, credit/debit card, check, money order, or cashier's check.	Call (208) 746-3671 ext. 0 You may be asked for the following information: - Credit card number, expiration date, and security code - Name submitted with public records request and Request Number (above)	Send to the following address: Lewiston City Clerk P.O. Box 617 Lewiston, Idaho 83501 - You may pay by check or money order. - Please include a copy of this sheet with your payment.

Charge Codes: Materials & Labor (11460); Other charge code, if applicable (_____)

Name of Requester: Corey Michael Switzer

Date: 01/11/2024

Request Number: Final Fee Est. 23-L17433

**PUBLIC RECORDS REQUEST
ESTIMATED FEES**

Pursuant to the Idaho Public Records Act, the City of Lewiston may charge fees to recover the actual labor and copying costs associated with locating and copying records if: (a) the request is for more than 100 pages of paper records, (b) the request includes records from which nonpublic information must be deleted, or (c) the actual labor associated with responding to the request exceeds 2 person hours. See I.C. § 74-102(10)(b).

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Type _____ pages @ _____ cents per page with _____ pages free = _____ pages
(e.g., size, black and white, color) Subtotal: _____

Type _____ pages @ _____ cents per page with _____ pages free = _____ pages
(e.g., size, black and white, color) Subtotal: _____

CD/DVD: _____ **Total Materials:** _____

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